France are regulated, so far as they are regulated at all, by ministerial decrees and orders, each minister being free to prescribe such regulations for his own ministry as he pleases. It is true that whenever a decree of this kind has been issued the council of state will compel its observance by annuling all appointments and promotions made in violation thereof, but what one minister can do his successsor can undo. It results therefore that each incoming minister issues a new decree embodying his own ideas on the subject, and there have been cases where a new minister suspended the existing decree in order to find places for his own favorites, after which the old decree was reissued. Under such a system there is no uniformity of policy; the functionaries in one department have a status entirely different from those of another department and of course there is no security of tenure. The functionaries as I have said, demand the enactment by Parliament of a law which will protect them against the abuses mentioned and their cry has made itself heard in the country at large. The question of ameliorating their sorry condition was one of the principal issues in the election campaign of 1910 and a majority of the deputies elected had in their *professions de foi* expressed themselves in favor of granting some or all of the demands of the functionaries. Several governments, notably those of Clemenceau in 1906 and Briand in 1910 promised the functionaries such a law but like so many French cabinets they went out of power with their promises unfulfilled.

The whole history of the question: the grievances of the functionaries, their demands, the civil service legislation of other countries, the various *projéts* that have been introduced by different cabinets and the reports that have been made thereon by parliamentary commissions, is reviewed in detail in M. Lefas's book. Altogether it is a substantial study of a live and important question of French politics.

JAMES W. GARNER.

The American Doctrine of Judicial Supremacy. By CHARLES GROVE HAINES. (New York: The Macmillan Company, 1914. Pp. xvii, 365.)

Prof. Haines sets out "to present in brief compass the history, scope and results of judicial control over legislation in the United States." His book does not pretend to be based on original investigation, although the author has in some cases contributed new materials, and has in others viewed his problem in a new way.

The avowed purpose of presenting "the history, scope and results of judicial control" has not been fully met. To judicial control before 1830 the author devotes about two-thirds of his book. Upon developments between 1830 and the present time there are three scant chapters. To recent criticisms a chapter is given, and there is a very brief discussion of the rules under which courts act in exercising a power to declare laws unconstitutional. This apportionment of space is clearly not adjusted to the relative importance of the several topics, and the several parts of the book must almost necessarily be judged by different standards.

The larger part of the book—that devoted to judicial power before 1830—is well done, and is a valuable addition to the literature of the subject. The author is familiar with all of the more essential discussions, and has handled his subject with judgment. This part of the volume is not without error, but the general result is satisfactory. For this earlier period attention should be called to the fact that the list of state cases before 1820 (pp. 73–77), while not claiming completeness, is less complete than it should be. The statement (p. 82) that courts had gone a long way toward the establishment of judicial supremacy before Holmes vs. Walton is open to question. The courts of New York did discuss and approve the principle of judicial control before 1819 (p. 119). Legislative protest against a Georgia decision of 1815 should have been mentioned in the discussion of opposition to the practice of judicial control. These, however, are but minor defects in an otherwise satisfactory discussion.

But the historical treatment of the period from 1830 to the present time is fragmentary and unsatisfactory. In the first place the author devotes his attention almost exclusively to the supreme court of the United States for the period between 1830 and 1870. The judicial function of the federal courts was relatively less important during this period because (1) the court under Marshall had already done the important work and had in some respects gone too far in its limitation of state power and (2) the federal courts fell into the background on account of political conditions and the war. But the essential developments of judicial power were in the state courts and are almost entirely ignored; what the author has upon these developments is not accurate. The reiterated statement that the democratic movement caused a material reduction of judicial control in the States between 1830 and 1860 is not in agreement with the facts; and it can hardly be admitted that judicial power over legislation during this period was confined mainly

to North Carolina, Massachusetts, New York and New Hampshire (p. 262).

The period from 1870 to the present time is not covered in such a manner as to give a satisfactory knowledge of real developments. This is due in large part to the brevity of the treatment, but also to statements which appear to be hardly accurate. For example the extension of judicial power during this period is due not so much to the development of extra-constitutional limitations as to the reading of natural right theories into constitutional limitations which are themselves indefinite (p. 289 *et seq.*).

In the final chapter, dealing with recent criticisms of judicial power, the part devoted to criticisms by the courts themselves (pp. 313–328) is very well done, but the chapter as a whole is inadequate. The weakening of judicial power came not as a result of dissenting opinions but as a result of the judicial action which occasioned the dissent (p. 315). The Illinois case of 1895 upon hours of labor of women was not reversed (p. 329), however much the view of the later case may differ from that of the earlier. There is no adequate analysis of the movements for the recall of judges and of judicial decisions. The author does not indicate sufficiently that a movement is already well under way among the courts themselves to apply more liberal tests in passing upon the validity of social and industrial legislation (pp. 334, 352).

But a part of one brief chapter is devoted to the rules under which courts act in passing upon the constitutionality of statutes (pp. 173–199); the traditional statements, which to a very large extent do not agree with the facts, are here repeated. Upon judicial control in other countries there is merely an incidental discussion, and no complete or accurate statement of the situation in other countries is given (pp. 2–10, 197).

Upon the whole, it should again be said that the greater part of the book (that dealing with the period before 1830) is of distinct value, while the remainder is of much less importance. The volume does, however, present the best connected account of the origin and development of judicial power in the United States.

W. F. Dodd.

Law, Legislative and Municipal Reference Libraries. By John B. Kaiser. (Boston: Boston Book Company, 1914. Pp. 467.)

In a volume entitled "Law, Legislative and Municipal Reference Libraries," Mr. John B. Kaiser, librarian of the Tacoma public library,